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**IN THE
COURT OF APPEALS OF INDIANA**

ANTONIO TONY DIAZ,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 45A04-0702-CR-115

APPEAL FROM THE LAKE SUPERIOR COURT, CRIMINAL DIVISION
The Honorable Thomas P. Stefaniak, Jr., Judge
Cause No. 45G04-0606-FB-63

September 11, 2007

MEMORANDUM DECISION – NOT FOR PUBLICATION

BAKER, Chief Judge

Appellant-defendant Antonio Tony Diaz appeals the sentences imposed by the trial court after Diaz pleaded guilty to two counts of Burglary,¹ one as a class B and one as a class C felony. Diaz admitted that he burglarized several homes between June 2 and June 9, 2006. On November 16, 2006, Diaz pleaded guilty to burglary as a class B and a class C felony pursuant to a plea agreement that provided a twelve-year sentencing cap for the class B felony conviction, a six-year sentencing cap for the class C felony burglary conviction, and consecutive sentences. On January 18, 2007, following a hearing, the trial court sentenced Diaz to twelve years for class B felony burglary and to six years for class C felony burglary, with the sentences to be served consecutively.

Diaz's sole argument on appeal is that the trial court weighed his prior criminal history too heavily. Our Supreme Court has held, however, that under the amended sentencing scheme, "a trial court [cannot] now be said to have abused its discretion in failing to 'properly weigh'" aggravators and mitigators. Anglemyer v. State, 868 N.E.2d 482, 491 (Ind. 2007). Consequently, this argument fails.

We note briefly that the trial court entered a proper sentencing statement in which it found one mitigator—Diaz's guilty plea and acceptance of responsibility—and five aggravators—Diaz was on parole when he committed the instant offenses, Diaz's extensive criminal history, which includes eight felony convictions, Diaz's need for correctional and rehabilitative treatment, the fact that prior leniency has not deterred Diaz's criminal behavior, and the fact that Diaz committed multiple burglaries within a

¹ Ind. Code § 35-43-2-1.

short period of time. The trial court's reasons for imposing the sentences were supported by the record. We also note that given that Diaz committed multiple crimes in a short period of time and given his lengthy and sobering criminal history, the sentences imposed by the trial court are not inappropriate in light of the nature of the offenses and Diaz's character.

The judgment of the trial court is affirmed.

BAILEY, J., and VAIDIK, J., concur.